

1882-056  
Lee Co.

Chancery Causes: A. J. Shepherd vs. D. J. Gilbert + wife &c

Spencer

CA-Debt  
T-Property



To The Honorable John A. Kelly Judge  
of the Circuit Court of Lee County Va  
Your orator, A. J. Shepherd, humbly  
complaining respectfully represents that  
on the day of August 1879, Barbara  
Gilbert and D. J. Gilbert executed  
their joint and several writing oblig-  
atory to one E. B. Spencer for the sum  
of fifty dollars due and payable  
by the first day of January 1880, and  
waived the benefit of their homestead ex-  
emptions as to said debt. This said  
bond was by a writing endorsed thereon  
on the 18<sup>th</sup> day of May 1881 assigned for  
value by said E. B. Spencer, to your  
orator who is now the legal and equitable  
owner thereof. Said bond will be found  
herewith filed marked "A" and is prayed  
to be considered with the endorsement thereon  
as a part of this bill.

Your orator alleges that said bond  
was executed by said Gilberts as aforesaid  
for a small piece of land about one acre  
situated in this county and properly de-  
scribed by a copy of a deed made  
and executed by said E. B. Spencer & wife  
to Barbara Gilbert who is a married woman  
and the wife D. J. Gilbert, a copy of which



said deed will also be found herewith  
filed marked "B." By which it will be  
seen a lien was retained for the unpaid  
purchase money, being the bond heretofore re-  
ferred to as exhibit "A."

The object of this bill therefore is to have  
a decree rendered enforcing said lien  
and setting said land for the payment of  
said bond now due your orator and  
wholly unpaid and should the same prove  
insufficient or unavailing then that your  
orator have a decree over against E.  
B. Spencer, upon the failure of said  
land or the said Gilbert, paying the same.

The prayer of your orator therefore is  
that D. J. Gilbert and Barbara Gilbert his  
wife, and E. B. Spencer be made parties  
defendants to this bill and answer its  
allegation on oath and upon a hearing a  
decree be rendered directing a sale of  
said land or so much thereof as may  
be necessary to pay the same, and should  
the same fail then that a decree be  
rendered against said E. B. Spencer for  
the same or the residue thereof. And  
for all other further or better relief  
may your honor issue an.

A. L. Oudemere  
for Plff -



10

6 4.97  
3 1.50

A. L. Shepherd

vs { Bice Chy

D. L. Gilbert vs

Exhibits A. & B.

1882. Jan. Bill filed

" Feby. Sp. Ex. & D. N.

" Mr. C. N. Confd and  
set for hearing by Jff.

1882. March Decree final



A. J. Shepherd

Deft

vs.

In Chancery.

D. J. Gilbert et al

Defts

This cause coming on this day to  
be heard ~~is~~ dismissed by the Plaintiff  
and leave is granted him to withdraw  
the note and everow due filed with his  
bill

Shepherd

vs. Order of dis-  
missal

Gilbert et al

Entol Page 250.

J. A. Hyatt  
Clerk

Enter This decree

J. A. K.

April 14<sup>th</sup> 1882



The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

*C. J. Gilbert & Barbara  
Gilbert his wife and E. B. Spencer*

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in  
*February* next, being rule day to answer a bill in Chancery, exhibited in our said Court against  
*them*

by

*A. J. Shepherd*

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House  
this *3<sup>rd</sup>* day of *January* 188*3*; in the *106* year of the Commonwealth.

*J. A. Hyatt* CLERK.

4.51  
 36  
 10  


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 4.97  
~~1.50~~  
 3.47  
 1.50  


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 4.97  
 1.50  


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 6.47  
 10.00  


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 16.47

(P)  
 A. J. Shepherd  
 vs 3 Spa in Chay  
 D. J. Gilbert et al

To February Rules. 1882

Executed by deliver-  
 ing copies to D. J. Gil-  
 bert & Barbara, Gilbert  
 his wife and E. B.  
 Spencer, on 4<sup>th</sup> day  
 of February 1882.

The S. & G. S. Co